



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

L2

FILE:

MSC 02 115 60162

Office: CHICAGO

Date: MAY 23 2007

IN RE:

Applicant:

APPLICATION:

Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), *amended by* Life Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000)

ON BEHALF OF APPLICANT:

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the District Director, Chicago, Illinois, and is now before the Administrative Appeals Office on appeal. The case will be remanded for further action and consideration.

The director denied the application because the applicant failed to establish that he satisfied the "basic citizenship skills" required under section 1104(c)(2)(E) of the LIFE Act.

The regulation at 8 C.F.R. § 245a.20(a)(2) provides that when an adverse decision is proposed, Citizenship and Immigration Services shall notify the applicant of its intent to deny the application and the basis for the proposed denial. The applicant will be granted 30 days from the date of the notice in which to respond to the notice of intent to deny.

The record, however, does not reflect that a Notice of Intent to Deny was issued prior to the director's Notice of Decision.

Accordingly, the case is remanded for the issuance of a Notice of Intent to Deny and for the entry of a new decision in accordance with the foregoing. If the new decision is adverse, it shall be certified to this office.

On remand, the director should also address whether the applicant has submitted sufficient evidence to establish that he continuously resided in the United States in an unlawful status since before January 1, 1982 through May 4, 1988. Section 1104(c)(2)(B) of the LIFE Act; 8 C.F.R. § 245a.11(b). The record reflects that the applicant's class membership was revoked because documentation that he submitted in connection with his Form I-687, Application for Status as a Temporary Resident, was compromised or unreliable as based on a large-scale immigration fraud investigation centered in Las Vegas, Phoenix and Los Angeles. The applicant failed to respond to the Notice of Intent to Revoke his class membership dated November 1, 1996, and used the same questionable documentation in support of his Form I-485 application.

If, on remand, the director denies the application pursuant to section 1104(c)(2)(E) of the LIFE Act, he shall consider whether the applicant's eligibility for adjustment to temporary resident status pursuant to 8 C.F.R. § 245a.6.

ORDER: This matter is remanded for further action and consideration pursuant to the above.